

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HALBLEIB,
Plaintiff,

v.

CHP OFFICER DALE COPPAGE,
Defendant.

No. C-08-2657 CW (EMC)

**ORDER GRANTING IN PART,
DENYING IN PART, AND DEFERRING
RULING IN PART PLAINTIFF'S
MOTION TO COMPEL**

(Docket No. 38)

Plaintiff has moved to compel the production of documents from Defendant. Based on the parties' papers, it appears that only two categories of documents are at issue: (1) documents relating to the November 2007 training incident and (2) documents related to Defendant's personnel records.

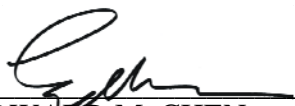
The Court defers ruling on the first category of documents. Defendant is ordered to file under seal a copy of the documents at issue so that the Court may conduct an in camera review. Defendant shall not serve a copy of the documents on Plaintiff, and Plaintiff shall not be permitted to view a copy of the documents filed under seal absent further order of the Court. Defendant shall file a copy of the documents by July 6, 2009.

As to the second category of documents, Plaintiff indicated that he was willing to narrow the scope of the request. The Court holds that, with respect to the personnel records (including but not limited to evaluations and complaints), Defendant need only produce documents concerning: (1) an alleged use of violent force, (2) an allegedly unreasonable seizure or arrest, (3) alleged untruthfulness, (4) an alleged failure to report, or (5) an alleged neglect of duty.

1 For the foregoing reasons, Plaintiff's motion to compel is granted in part and denied in part
2 and the Court defers ruling on the remainder of the motion pending in camera review.

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4 IT IS SO ORDERED.

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6 Dated: July 6, 2009

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8 EDWARD M. CHEN
9 United States Magistrate Judge
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